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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,926	09/11/2003	Mazen Chmaytelli	990545	8382
	7590 09/15/201 INCORPORATED	EXAMINER		
5775 MOREHO	OUSE DR.		HALIYUR, VENKATESH N	
SAN DIEGO, CA 92121			ART UNIT	PAPER NUMBER
			2476	
			NOTIFICATION DATE	DELIVERY MODE
			09/15/2010	ELECTRONIC

# Please find below and/or attached an Office communication concerning this application or proceeding.

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		Application No.	Applicant(s)				
Office Action Summary		10/661,926	CHMAYTELLI ET AL.				
		Examiner	Art Unit				
		VENKATESH HALIYUR	2476				
Period fo	The MAILING DATE of this communication app or Reply	pears on the cover sheet with the c	orrespondence address				
WHIC - Exte after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING Donsions of time may be available under the provisions of 37 CFR 1.1 SIX (6) MONTHS from the mailing date of this communication. Poperiod for reply is specified above, the maximum statutory period or to reply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status							
1)  \	Responsive to communication(s) filed on <u>06/30</u>	0/2010					
, —	· · · · · · · · · · · · · · · · · · ·	action is non-final.					
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
٥/ا	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposit	on of Claims						
4)⊠	Claim(s) <u>1-35(claims 20,30 canceled)</u> is/are pe	ending in the application.					
	4a) Of the above claim(s) is/are withdrawn from consideration.						
	5) Claim(s) is/are allowed.						
′—	6)⊠ Claim(s) <u>1-19,21-29 and 31-35</u> is/are rejected.						
	Claim(s) is/are objected to.						
-	Claim(s) are subject to restriction and/o	r election requirement.					
Applicat	ion Papers						
9)☐ The specification is objected to by the Examiner.							
•	10)⊠ The drawing(s) filed on <u>11 September 2003</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.						
٠٠/							
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11)	11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority ι	ınder 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:							
/1	1. ☐ Certified copies of the priority documents have been received.						
	2. Certified copies of the priority documents have been received in Application No						
	3. Copies of the certified copies of the priority documents have been received in this National Stage						
	application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.							
Attachmen	t(s)						
1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413)							
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date							
3) Information Disclosure Statement(s) (PTO/SB/08)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application  6) Other:							
· sps:(sp.:site							

Art Unit: 2476

### **DETAILED ACTION**

### Response to Amendment

- 1. The amendment filed on 06/30/2010 has been fully considered. However the amendments necessitated new ground(s) of rejections in view of a newly found reference. Rejection follows.
- 2. Claims 1-35 are pending in the application. Claims 32-35 are new. Claims 20, 30 are canceled.

## Claim Objections

3. Claims are objected to because of the following informalities:

It appears that claims 1, 10,11,21 has more than one classification scenario (please see Fig 3) for the attempted incoming communication response, i.e., when it is determined that the incoming communication can be classified using the identifying information or when it is determined that a default response exists when classification cannot be done using identifying information or request the user to classify the incoming communication when there is no default response exists, however it is not clear whether all these classifications are the same or different for each of the above scenarios and therefore the "classification" used in the further limitations to the attempted incoming

Art Unit: 2476

communication connection does not positively recite how the classification was performed. Therefore appropriate correction is required to these claims by correctly identifying the type of classification performed. i.e., default classification, or user classification or classification based on identifying information in these independent claims.

### Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - a. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- Claims 1-19, 21-29, 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. [US Pub: 2003/0112952] and Payne et al. [US Pat: 7,003,327] further in view of Mizikovsky et al. [US Pat: 5,559,860].

Regarding claims 1,32 Brown et al in the invention of "Automatically Establishing a Telephone Connection Between a Subscriber and a Party Meeting One or More Criteria" disclosed a cellular telephone (items 502, 504, Figs 5/6, para 0152-0153, 0168-169) comprising: having a processor (item 530 of Fig 5); a wireless communication interface (item 528 of Fig 5), coupled to said processor, wherein the wireless communication interface selectively receives

Art Unit: 2476

(filter or screen calls, para 0094) an attempted incoming communication connection across a wireless network, and a memory (para 0018) coupled to said processor (para 0045-0047), wherein the processor is configured to receive an attempted incoming communication connection (para 0033-0037, Fig 1); determine whether the attempted incoming communication can be classified using identifying information (item 524 of Fig 5, para 0091) of the attempted incoming communication connection, determine whether a default response exists when it is determined that the incoming communication cannot be classified using the identifying information (caller identification, para 0083, 0090);

determine whether there is a predetermined response to the attempted incoming communication connection based upon the classification wherein the predetermined response establishes whether the attempted incoming communication will be ale to connect with the user (classify the attempted calls according to calling party classification, para 0091-0094).

Brown et al, disclosed that PDA, wireless telephone (cellular telephone) may comprise call processor (item 120b of Fig 1, para 0047) and the classification process in the cellular telephone (0057-0063) but Brown et al fails to explicitly disclose that the processor is located at a cellular telephone.

However, Payne et al in the invention of "Heuristically Assisted User Interface for a Wireless Communication Device" disclosed a mobile device (item 300 of Fig 3) including the wireless communication interface coupled to a processor (item

Application/Control Number: 10/661,926

Art Unit: 2476

**304 of Fig 3)**, and the memory (**item 324 of Fig 3)** coupled to the processor module for performing processing tasks (**col 9, lines 38-67, col 10, lines 1-29)** to provide predetermined responses based on the incoming service request (**col 10, lines 30-67, col 11, lines 1-57, Fig 4)** (**col 5, lines 53-67, and col 6, lines 1-11)**. Therefore it would have been obvious for one of the ordinary skill in the art at the time the invention was made to use the method of including a processor coupled to the memory and the client module for performing processing tasks in the cellular telephone as taught by Payne et al in the system of Brown et al to include a processor coupled to a memory and a classifier in the cellular telephone to classify the incoming communication connection.

Page 5

Both Brown and Payne fail to disclose the features to classify the attempted incoming communication connection using the identifying information when it is determined that the incoming communication can be classified or when it is determined that a default response exists; request a user to classify the attempted incoming communication and determine whether the user responded to the request when it is determined that no default response exists; classify the attempted incoming communication connection based upon a classification by the user when it is determined that the user classified the incoming communication; perform the predetermined response to the attempted incoming communication connection based upon the classification when it is determined that there is a predetermined response and allow connection of the incoming communication when it is determined that there is not a predetermined response

Application/Control Number: 10/661,926

Art Unit: 2476

to the attempted incoming communication connection or when it is determined that the user did not respond to the request to classify the incoming communication.

Page 6

However, Mizikovsky disclosed a method to classify (function category, item 108 of Fig 2) the attempted incoming communication connection using the identifying information (item 310 of Fig 3) when it is determined that the incoming communication can be classified (col 4, lines 22-64) or when it is determined that a default response exists (response categories set by the user, col 6, lines 44-67); request a user to classify the attempted incoming communication and determine whether the user responded to the request when it is determined that no default response exists (col 7, lines 50-62, Fig 1); classify the attempted incoming communication connection based upon a classification by the user when it is determined that the user classified the incoming communication (col 7, lines 63-67); perform the predetermined response to the attempted incoming communication connection based upon the classification when it is determined that there is a predetermined response (col 7, lines 32-38) and allow connection of the incoming communication when it is determined that there is not a predetermined response to the attempted incoming communication connection (col 7, lines 39-67) or when it is determined that the user did not respond to the request to classify the incoming communication (col 8, lines 14-19, Fig 5). Therefore it would have been obvious for one of the ordinary skill in the art at the time the invention was made to use the method of whether to

Art Unit: 2476

classify or not to classify the incoming connection based on the identifying information in the connection request as taught by Mizikovsky et al in the system of Brown et al as modified by Payne et al to include the features of whether to classify or use default classification if exists based on the identifying information or classify according to user's classification if a default classification does not exist and to provide a predetermined response to the attempted incoming connection request. One is motivated as such in order to provide a predetermined response to improve the call handling ability based on the classification and identification of the incoming call at a cellular telephone (Payne et al, col 13, lines 22-33).

Regarding claims 2-3,12-13,22-23, Brown et al disclosed that the predetermined response comprises blocking (filter or screen calls) the attempted incoming communication connection attempt and the predetermined response comprises sending an audio response (voice message/mail) to the attempted incoming communication connection (para 0094).

Regarding claim 4, 14, 24, Brown et al disclosed that the predetermined response comprises requesting user input as to whether to accept the attempted incoming communication connection (para 0032-0033, 0039-0042).

Regarding claim 5, 15, 25, Brown et al disclosed that the predetermined response comprises returning a data response to the attempted incoming communication connection (para 0124).

Art Unit: 2476

Regarding claim 6, 16, 26, Brown et al disclosed that the classification of the attempted incoming communication connection occurs from identifying the telephone number of a calling telephone making the attempted incoming communication connection (para 0037).

Regarding claims 7-8, 17-18, 27-28, Brown et al disclosed wherein identifying a telephone number of a calling telephone comprises receiving Caller ID for the attempted incoming communication connection and the classifying the attempted incoming communications occurs through the receipt of identity data within the attempted incoming communication connection (para 0091-0093).

Regarding claim 9, 19, 29, Brown et al disclosed wherein returning a data response to the attempted incoming communication connection comprises sending a short messaging service (SMS) message to a device making the attempted incoming communication connection (para 0124).

Regarding claims 10,33 Brown et al disclosed a computer cellular telephone (items 502, 504, Fig 5, para 0152), comprising: means for selectively receiving (filter or screen calls) an attempted incoming communication connection across a wireless network (Figs 1); means for classifying (item 524 of Fig 5) the attempted incoming communication connection using identifying information when it is determined that the incoming communication can be classified or when it is determined that a default response exists (para 0090, 0168); means for determining whether the attempted incoming communication connection can be classified using identifying information of the attempted

Application/Control Number: 10/661,926

Art Unit: 2476

incoming communication connection (col 4, lines 22-64). means for performing the predetermined response to the attempted incoming communication connection based upon a classification when it is determined that there is a predetermined response (classify the attempted calls according to calling party classification, para 0091-0094, 0170).

Page 9

Brown et al, disclosed that PDA, wireless telephone (cellular telephone) may comprise call processor (item 120b of Fig 1, para 0047) and the classification process in the cellular telephone (0057-0063) but Brown et al fails to explicitly disclose that the processor is located at a cellular telephone.

However, Payne et al disclosed a mobile device (item 300 of Fig 3) including the wireless communication interface coupled to a processor (item 304 of Fig 3), and the memory (item 324 of Fig 3) coupled to the processor module for performing processing tasks (col 9, lines 38-67, col 10, lines 1-29) to provide predetermined responses based on the incoming service request (col 10, lines 30-67, col 11, lines 1-57, Fig 4, col 5, lines 53-67, and col 6, lines 1-11).

Both Brown and Payne fail to disclose means for determining whether the attempted incoming communication connection can be classified using identifying information of the attempted incoming communication connection. means for determining whether a default response exists when it is determined that the incoming communication cannot be classified using the identifying information; means for classifying the attempted incoming communication connection based upon a classification by the user when it is determined that the user classified the

Art Unit: 2476

incoming communication; means for determining whether there is predetermined response to the attempted incoming communication connection based upon the classification, wherein the predetermined response establishes whether the attempted incoming communication will be able to connect with the user; means for allowing connection of the incoming communication when it is determined that there is not a predetermined response to the attempted incoming communication connection or when it is determined that the user did not respond to the request to classify the incoming communication.

However, Mizikovsky disclosed means for classifying (function category, item 108 of Fig 2) the attempted incoming communication connection using the identifying information (item 310 of Fig 3) when it is determined that the incoming communication can be classified (col 4, lines 22-64) or when it is determined that a default response exists (response categories set by the user, col 6, lines 44-67); means for requesting a user to classify the attempted incoming communication and determine whether the user responded to the request when it is determined that no default response exists (col 7, lines 50-62, Fig 1); means for classifying the attempted incoming communication connection based upon a classification by the user when it is determined that the user classified the incoming communication (col 7, lines 63-67); means for performing the predetermined response to the attempted incoming communication connection based upon the classification when it is determined that there is a predetermined response (col 7, lines 32-38) and means for

Art Unit: 2476

allowing connection of the incoming communication when it is determined that there is not a predetermined response to the attempted incoming communication connection (col 7, lines 39-67) or when it is determined that the user did not respond to the request to classify the incoming communication (col 8, lines 14-**19. Fig 5).** Therefore it would have been obvious for one of the ordinary skill in the art at the time the invention was made to include the means to classify or not to classify the incoming connection based on the identifying information in the connection request as taught by Mizikovsky et al in the system of Brown et al as modified by Payne et al to include the features of whether to classify or use default classification if exists based on the identifying information or classify according to user's classification if a default classification does not exist and to provide a predetermined response to the attempted incoming connection request. One is motivated as such in order to provide a predetermined response to improve the call handling ability based on the classification and identification of the incoming call at a cellular telephone (Payne et al, col 13, lines 22-33).

Regarding claims 11,34 Brown et al disclosed a method for responding to incoming communication connection attempts at a cellular telephone (items 502, 504, para 0152) the method comprising (para 0017-0018): receiving an attempted incoming communication connection at the cellular telephone, storing the attempted incoming communication in a memory of the cellular telephone (para 0047,0152-0153); classifying in the cellular telephone the attempted incoming communication connection using the identifying information when it is

Art Unit: 2476

determined that the incoming communication can be classified or when it is determined that a default response exists (caller identification, para 0090); and performing a predetermined response to the attempted incoming communication connection based upon a classification of the attempted incoming communication connection (classify the attempted calls according to calling party classification, para 0091-0094, 0154, Fig 1).

Brown et al, disclosed that PDA, wireless telephone (cellular telephone) may comprise call processor (item 120b of Fig 1, para 0047) and the classification process in the cellular telephone (0057-0063) but Brown et al fails to explicitly disclose that the processor is located at a cellular telephone. However, Payne et al disclosed a mobile device (item 300 of Fig 3) including the wireless communication interface coupled to a processor (item 304 of Fig 3), and the memory (item 324 of Fig 3) coupled to the processor module for performing processing tasks (col 9, lines 38-67, col 10, lines 1-29) to provide predetermined responses based on the incoming service request (col 10, lines 30-67, col 11, lines 1-57, Fig 4) (col 5, lines 53-67, and col 6, lines 1-11). Therefore it would have been obvious for one of the ordinary skill in the art at the time the invention was made to use the method of including a processor coupled to the memory and the client module for performing processing tasks in the cellular telephone as taught by Payne et al in the system of Brown et al to include a processor coupled to a memory and a classifier in the cellular telephone to classify the incoming communication connection.

Art Unit: 2476

Both Brown and Payne fail to disclose determining in the cellular telephone whether a default response exists when it is determined that the incoming communication cannot be classified using the identifying information; requesting a user to classify the attempted incoming communication and determine whether the user responded to the request when it is determined that no default response exists; classifying the attempted incoming communication connection based upon a classification by the user when it is determined that the user classified the incoming communication; determining whether there is predetermined response to the attempted incoming communication connection based upon the classification, wherein the predetermined response establishes whether the attempted incoming communication will be able to connect with the user; performing the predetermined response to the attempted incoming communication connection based upon a classification when it is determined that there is a predetermined response and allowing connection of the incoming communication when it is determined that there is not a predetermined response to the attempted incoming communication connection or when it is determined that the user did not respond to the request to classify the incoming communication.

However, Mizikovsky disclosed that the mobile telephone to classifying (function category, item 108 of Fig 2) the attempted incoming communication connection using the identifying information (item 310 of Fig 3) when it is determined that the incoming communication can be classified (col 4, lines 22-

Art Unit: 2476

**64)** or when it is determined that the incoming communication cannot be classified using the identifying information (response categories set by the user, col 6, lines 44-67); requesting a user to classify the attempted incoming communication and determine whether the user responded to the request when it is determined that no default response exists (col 7, lines 50-62, Fig 1); classifying the attempted incoming communication connection based upon a classification by the user when it is determined that the user classified the incoming communication (col 7, lines 63-67); performing the predetermined response to the attempted incoming communication connection based upon the classification when it is determined that there is a predetermined response (col 7, lines 32-38) and allowing connection of the incoming communication when it is determined that there is not a predetermined response to the attempted incoming communication connection (col 7, lines 39-67) or when it is determined that the user did not respond to the request to classify the incoming communication (col 8, lines 14-19, Fig 5). Therefore it would have been obvious for one of the ordinary skill in the art at the time the invention was made to use the method of whether to classify or not to classify the incoming connection based on the identifying information in the connection request as taught by Mizikovsky et al in the system of Brown et al as modified by Payne et al to include the features of whether to classify or use default classification if exists based on the identifying information or classify according to user's classification if a default classification does not exist and to provide a predetermined response to

Art Unit: 2476

the attempted incoming connection request. One is motivated as such in order to provide a predetermined response to improve the call handling ability based on the classification and identification of the incoming call at a cellular telephone (Payne et al, col 13, lines 22-33).

Regarding claims 21,35, Brown et al disclosed a computer-readable storage medium encoded with computer-executable instructions, which when executed by a computer in a cellular telephone (items 502, 504 of Fig 5, para 0152) causes the computer to perform operations comprising (para 0017-0018): receiving an attempted incoming communication connection from another device across a wireless network (Fig 1); classifying the attempted incoming communication connection using identifying information (caller identification) of the attempted incoming communication connection (para 0090); and at least one instruction for performing a predetermined response to the attempted incoming communication connection based upon a classification of the attempted incoming communication connection (classify the attempted calls according to calling party classification, para 0091-0094).

Brown et al, disclosed that PDA, wireless telephone (cellular telephone) may comprise call processor (item 120b of Fig 1, para 0047) and the classification process in the cellular telephone (0057-0063) but Brown et al fails to explicitly disclose that the processor is located at a cellular telephone.

However, Payne et al disclosed a mobile device (item 300 of Fig 3) including the wireless communication interface coupled to a processor (item 304 of Fig 3),

Art Unit: 2476

and the memory (item 324 of Fig 3), coupled to the processor module for performing processing tasks (col 9, lines 38-67, col 10, lines 1-29) to provide predetermined responses based on the incoming service request (col 10, lines 30-67, col 11, lines 1-57, Fig 4, col 5, lines 53-67, and col 6, lines 1-11). Therefore it would have been obvious for one of the ordinary skill in the art at the time the invention was made to use the method of including a processor coupled to the memory and the client module for performing processing tasks in the cellular telephone as taught by Payne et al in the system of Brown et al to include a processor coupled to a memory and a classifier in the cellular telephone to classify the incoming communication connection.

Both Brown and Payne fail to disclose determining in the cellular telephone whether a default response exists when it is determined that the incoming communication cannot be classified using the identifying information; requesting a user to classify the attempted incoming communication and determine whether the user responded to the request when it is determined that no default response exists; classifying the attempted incoming communication connection based upon a classification by the user when it is determined that the user classified the incoming communication; determining whether there is predetermined response to the attempted incoming communication connection based upon the classification, wherein the predetermined response establishes whether the attempted incoming communication will be able to connect with the user; performing the predetermined response to the attempted incoming

Art Unit: 2476

communication connection based upon a classification when it is determined that there is a predetermined response and allowing connection of the incoming communication when it is determined that there is not a predetermined response to the attempted incoming communication connection or when it is determined that the user did not respond to the request to classify the incoming communication.

However, Mizikovsky disclosed that the mobile telephone to classifying (function category, item 108 of Fig 2) the attempted incoming communication connection using the identifying information (item 310 of Fig 3) when it is determined that the incoming communication can be classified (col 4, lines 22-**64)** or when it is determined that the incoming communication cannot be classified using the identifying information (response categories set by the user, col 6, lines 44-67); requesting a user to classify the attempted incoming communication and determine whether the user responded to the request when it is determined that no default response exists (col 7, lines 50-62, Fig 1); classifying the attempted incoming communication connection based upon a classification by the user when it is determined that the user classified the incoming communication (col 7, lines 63-67); performing the predetermined response to the attempted incoming communication connection based upon the classification when it is determined that there is a predetermined response (col 7, lines 32-38) and allowing connection of the incoming communication when it is determined that there is not a predetermined response to the attempted

Art Unit: 2476

incoming communication connection (col 7, lines 39-67) or when it is determined that the user did not respond to the request to classify the incoming communication (col 8, lines 14-19, Fig 5). Therefore it would have been obvious for one of the ordinary skill in the art at the time the invention was made to use the method of whether to classify or not to classify the incoming connection based on the identifying information in the connection request as taught by Mizikovsky et al in the system of Brown et al as modified by Payne et al to include the features of whether to classify or use default classification if exists based on the identifying information or classify according to user's classification if a default classification does not exist and to provide a predetermined response to the attempted incoming connection request. One is motivated as such in order to provide a predetermined response to improve the call handling ability based on the classification and identification of the incoming call at a cellular telephone (Payne et al, col 13, lines 22-33).

Regarding claim 31, Brown et al disclosed the cellular telephone wherein the default response is an audio message configured for unidentified calling parties (default to voice mail system, para 0094).

### Response to Arguments

6. Applicant's argument, see remarks filed on 06/30/2010 with respect to claims 1-31 have been fully considered, but is most in view of the new ground(s) of rejections.

Art Unit: 2476

#### Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications should be directed to the attention to Venkatesh Haliyur whose phone number is 571-272-8616. The examiner can normally be reached on Monday-Friday from 9:00AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached @ (571)-272-3795. Any inquiry of a general

Art Unit: 2476

nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2600 or fax to 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <a href="http://pair-direct.uspto.gov">http://pair-direct.uspto.gov</a>. Should you have questions on access to the Private PAIR system, contact the Electronic Business

/Venkatesh Haliyur/

Examiner, Art Unit 2476

/Ayaz R. Sheikh/

Supervisory Patent Examiner, Art Unit 2476

Center (EBC) at 866-217-9197(toll-free).